

Docket No.: 50454-56103USCIP
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Eugenio CEFALI**Application No.: 08/960,557****Confirmation No.:****Filed: October 13, 1997****Art Unit:**

**For: METHODS FOR TREATING
HYPERLIPIDEMIA WITH INTERMEDIATE
RELEASE NICOTINIC ACID
COMPOSITIONS HAVING UNIQUE
BIOPHARMACEUTICAL
CHARACTERISTICS**

Examiner:**PETITION TO WITHDRAW APPLICATION FROM ISSUE PURSUANT TO 37 C.F.R.**
1.313(C)(2)

MS 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request that the above-identified application be withdrawn from issue for consideration of a Request for Continued Examination (RCE) and Amendment submitted herewith. The issue fee in this application was timely paid on August 8, 2006.

The fee for this petition and the fee for filing the RCE is submitted herewith. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 04-0100 as are necessary to withdraw the application from issue and to have the RCE considered by the Examiner.

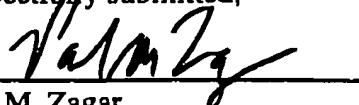
Application No. 08/960,557

Docket No.: 50454-56103USCIP

The Office of Petitions is respectfully invited to contact the undersigned attorney should there be questions regarding this petition.

Dated: March 12, 2007

Respectfully submitted,

By 
Paul M. Zagar

Registration No.: 52,392
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New York, New York 10150-5257
(212) 527-7700
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Attorneys/Agents For Applicant

FAX RECEIVED**FAX TRANSMISSION**

MAR 12 2007

OFFICE OF PETITIONS**DATE:** March 12, 2007**PTO IDENTIFIER:** Application Number 08/960,557
Patent Number**Inventor:** Eugenio A. Cefali et al.**MESSAGE TO:** US Patent and Trademark Office

Office of Petitions

FAX NUMBER: (571) 273-0025**FROM:** DARBY & DARBY P.C.

Paul M. Zagar

PHONE: (212) 527-7700**Attorney Dkt. #:** 20718/1204135-US2**PAGES (Including Cover Sheet):** 19**CONTENTS:** Fee Transmittal (1 page)
Amendment Transmittal (1 page)
Amendment (11 pages)
Request for Continued Examination Transmittal (1 page)
Petition to Withdraw Application from Issue Pursuant to 37 C.F.R. 1.313(C)(2) (2 pages)
Replacement Drawing (Fig. 5) (1 page)
Charge \$920.00 to deposit account 04-0100
Certificate of Transmission (1 page)

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PTO/SB/97 (09-04)

Approved for use through 07/31/2008, OMB 0651-0031
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Application No. (if known): 08/960,557

Attorney Docket No.: 20718/1204135-US2

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on March 12, 2007

Date


SignatureSharifah Valentin

Typed or printed name of person signing Certificate

N/A

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Fee Transmittal (1 page)

Amendment transmittal (1 page)

Amendment (11 pages)

Request for Continued Examination Transmittal (1 page)

Petition to Withdraw Application from Issue Pursuant to 37 C.F.R. 1.313(C)(2) (2 pages)

Replacement Drawing (Fig. 5)

Charge \$920.00 to deposit account 04-0100 (\$790 for RCE, \$130 for Petition to Withdraw from Issue).

PTO/SB/17 (07-06)

Approved for use through 01/31/2007. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2008 (H.R. 4818).

FEE TRANSMITTAL For FY 2006

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	920.00
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Complete If Known

Application Number	08/960,557
Filing Date	October 31, 1997
First Named Inventor	Eugenio A. Cefali
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	20718/1204135-US2

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MAR 12 2007

OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Nonc Other (please identify): _____

Deposit Account Deposit Account Number: 04-0100 Deposit Account Name: Darby & Darby P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
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50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
30	- 30 =	x	=

Multiple Dependent Claims	
Fee (\$)	Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
2	- 3 =	x	=

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

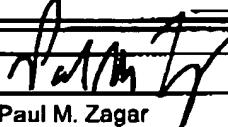
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	- 100 =	/50 (round up to a whole number) x	=	Fee Paid (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1801 Request for continued examination (RCE) (see 37 ... 790.00

Petition to Withdraw Application from Issue (see 37....) 130.00

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	52,392
Name (Print/Type)	Paul M. Zagar	Telephone	(212) 527-7700
		Date	March 12, 2007

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: _____ Signature: _____ (Paul M. Zagar)